

111TH CONGRESS
1ST SESSION

S. 1737

To amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to increase the number of children eligible for free school meals, with a phased-in transition period.

IN THE SENATE OF THE UNITED STATES

OCTOBER 1, 2009

Mr. FRANKEN (for himself, Ms. MURKOWSKI, and Mr. BINGAMAN) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to increase the number of children eligible for free school meals, with a phased-in transition period.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Expand School Meals
5 Act of 2009”.

1 **TITLE I—TRANSITION PERIOD**

2 **SEC. 101. PHASED-IN INCREASE IN INCOME ELIGIBILITY**

3 **GUIDELINES FOR FREE SCHOOL LUNCHES**

4 **AND BREAKFASTS.**

5 Section 9(b) of the Richard B. Russell National
6 School Lunch Act (42 U.S.C. 1758(b)) is amended—

7 (1) in paragraph (1), by redesignating subpara-
8 graph (B) as subparagraph (E);

9 (2) by striking “(b)(1)(A) Not” and inserting
10 the following:

11 “(b) INCOME ELIGIBILITY GUIDELINES.—

12 “(1) ESTABLISHMENT.—

13 “(A) IN GENERAL.—Not”;

14 (3) in subparagraph (A)—

15 (A) by striking the second sentence and in-
16 serting the following:

17 “(B) FREE LUNCHES.—The income guide-
18 lines for determining eligibility for free lunches
19 shall be the following percentage of the applica-
20 ble family size income levels contained in the
21 nonfarm income poverty guidelines prescribed
22 by the Office of Management and Budget, as
23 adjusted annually in accordance with subpara-
24 graph (E):

1 “(i) For the school year beginning
2 July 1, 2010, 144 percent.

3 “(ii) For the school year beginning
4 July 1, 2011, 158 percent.

5 “(iii) For the school year beginning
6 July 1, 2012, 172 percent.”;

7 (B) in the third sentence—

8 (i) by striking “The income” and in-
9 serting the following:

10 “(C) REDUCED PRICE LUNCHES.—The in-
11 come”; and

12 (ii) by striking “subparagraph (B)”
13 and inserting “subparagraph (E)”; and

14 (C) in the fourth sentence, by striking
15 “The Office” and inserting the following:

16 “(D) FREQUENCY OF REVISIONS.—The
17 Office”; and

18 (4) in subparagraph (E) (as redesignated by
19 paragraph (1))—

20 (A) by striking “The revision” and insert-
21 ing the following:

22 “(E) AMOUNT OF REVISIONS.—The revi-
23 sion”; and

24 (B) by striking “subparagraph (A) of this
25 paragraph” and inserting “subparagraph (D)”.

1 **SEC. 102. PERIOD OF EFFECTIVENESS.**

2 The amendments made by section 101 shall be effective only during the period beginning on the date of enactment of this Act and ending on June 30, 2013.

5 **TITLE II—PERMANENT CHANGE**

6 **SEC. 201. FREE LUNCH ELIGIBILITY.**

7 (a) IN GENERAL.—Section 9(b)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(1)) is amended—

10 (1) by redesignating subparagraph (B) as subparagraph (D);

12 (2) by striking “(b)(1)(A) Not” and inserting the following:

14 “(b) INCOME ELIGIBILITY GUIDELINES.—

15 “(1) ESTABLISHMENT.—

16 “(A) IN GENERAL.—Not”;

17 (3) in subparagraph (A)—

18 (A) in the first sentence, by striking “and reduced price”;

20 (B) by striking “The income guidelines for determining eligibility for free lunches shall be 130 percent” and inserting the following:

23 “(B) FREE LUNCHES.—The income guidelines for determining eligibility for free lunches shall be 185 percent.”;

26 (C) by striking the third sentence; and

1 (D) by striking “The Office” and inserting
 2 the following:

3 “(C) FREQUENCY OF REVISIONS.—The Of-
 4 fice”; and

5 (4) in subparagraph (D) (as redesignated by
 6 paragraph (1))—

7 (A) by striking “(D) The” and inserting
 8 the following:

9 “(D) AMOUNT OF REVISIONS.—The”; and

10 (B) by striking “subparagraph (A) of this
 11 paragraph” and inserting “subparagraph (C)”.

12 (b) CONFORMING AMENDMENTS.—

13 (1) Section 9 of the Richard B. Russell Na-
 14 tional School Lunch Act (42 U.S.C. 1758) is amend-
 15 ed—

16 (A) in subsection (b)—

17 (i) by striking “free and reduced
 18 price” each place it appears (other than
 19 paragraph (7)) and inserting “free”;

20 (ii) by striking “free or reduced price”
 21 each place it appears and inserting “free”;

22 (iii) in paragraph (2)(B)(i), by strik-
 23 ing “, and shall contain” and all that fol-
 24 lows through “or reduced price lunches”;

25 (iv) in paragraph (3)—

1 (I) in subparagraph (E)(iii), by
 2 striking “free or reduced-price” each
 3 place it appears and inserting “free”;
 4 and

5 (II) in subparagraph (F)—

6 (aa) in clause (i), by striking
 7 “Subject to clauses (ii) and (iii)”
 8 and inserting “Subject to clause
 9 (ii),”;

10 (bb) in clause (ii)(II), by
 11 striking “133 percent” both
 12 places it appears in items (aa)
 13 and (bb) and inserting “185 per-
 14 cent”;

15 (cc) by striking clause (iii);
 16 and

17 (dd) by redesignating
 18 clauses (iv) and (v) as clauses
 19 (iii) and (iv), respectively;

20 (v) in paragraph (7)—

21 (I) in the paragraph heading, by
 22 striking “AND REDUCED PRICE” and
 23 inserting “MEALS”;

1 (II) by striking “and reduced
2 price policy” each place it appears
3 and inserting “meals policy”; and

4 (III) in subparagraph (B), by
5 striking “and reduced price meals”
6 and inserting “meals”;

7 (vi) in paragraph (9)—

8 (I) in the paragraph heading, by
9 striking “AND REDUCED PRICE”;

10 (II) by striking subparagraph
11 (B); and

12 (III) by redesignating subpara-
13 graph (C) as subparagraph (B);

14 (vii) in paragraph (10), by striking
15 “or a reduced price lunch”; and

16 (viii) in paragraph (11), in the first
17 sentence, by striking “or reduced price
18 lunches”;

19 (B) in subsection (c), in the third sentence,
20 by striking “or at a reduced cost”;

21 (C) in subsection (d), by striking “or re-
22 duced price” each place it appears; and

23 (D) in subsection (e), by striking “, re-
24 duced price,”.

(2) Section 11 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a) is amended—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) in subparagraph (A), by striking “and the product obtained by multiplying” and all that follows through “for such fiscal year”;

(II) in subparagraph (B)—

(aa) by striking “or reduced price lunches” the first place it appears;

(bb) by striking “or reduced price lunches, as the case may be”; and

(cc) by striking “and reduced price lunches”;

(III) in subparagraph (C)—

(aa) in clause (ii), by striking “or reduced price lunches or breakfasts” each place it appears; and

(bb) in clause (iii), by striking “or reduced price”; and

1 (IV) in subparagraph (D), by
2 striking “and reduced price lunches”
3 each place it appears in clauses (iii)
4 and (iv);

5 (ii) in paragraph (2), by striking “and
6 the special assistance factor for reduced
7 price” and all that follows through “free
8 lunches”; and

9 (iii) in paragraph (3)(B)(iii)(I), by
10 striking “or reduced price”;

11 (B) in subsection (b), in the first sentence,
12 by striking “and reduced price”;

13 (C) in subsection (d), by striking “and the
14 average number of children who received re-
15 duced price lunches” each place it appears
16 paragraphs (1) and (2); and

17 (D) in subsection (e)—

18 (i) in the second sentence, by striking
19 “, and shall serve meals at a reduced
20 price” and all that follows through “such
21 section”; and

22 (ii) in the third sentence, by striking
23 “or reduced priced”.

1 (3) Section 12(l)(4) of the Richard B. Russell
2 National School Lunch Act (42 U.S.C. 1760(l)(4))
3 is amended—

4 (A) in subparagraph (C), by striking “and
5 reduced price”;

6 (B) by striking subparagraph (D);

7 (C) in subparagraph (H), by striking “or
8 reduced price”; and

9 (D) by redesignating subparagraphs (E)
10 through (M) as subparagraphs (D) through
11 (L).

12 (4) Section 13 of the Richard B. Russell Na-
13 tional School Lunch Act (42 U.S.C. 1761) is amend-
14 ed—

15 (A) in subsection (a)—

16 (i) in paragraph (1)(C)—

17 (I) by striking “or reduced
18 price”; and

19 (II) by striking “and reduced
20 price”; and

21 (ii) in paragraph (5), by striking “or
22 reduced price”; and

23 (B) in subsection (f)(3), by striking “or re-
24 duced price”.

(5) Section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) is amended—

(A) in subsection (a)(2)(B)(i), by striking “or reduced price”;

(B) in subsection (c)—

(i) in paragraph (1), by inserting “(as calculated on the day before the date of enactment of the Expand School Meals Act of 2009)” after “lunches, reduced price lunches”;

(ii) in paragraph (2), by inserting “(as calculated on the day before the date of enactment of the Expand School Meals Act of 2009)” after “breakfasts, reduced price breakfasts”; and

(iii) by striking paragraph (4) and inserting the following:

“(4) DETERMINATIONS.—

“(A) FREE MEALS.—Determinations with regard to eligibility for free meals and supplements shall be made in accordance with the income eligibility guidelines for free lunches under section 9.

“(B) REDUCED PRICE MEALS.—Determinations with regard to eligibility for reduced price meals and supplements shall be made in accordance with the income eligibility guidelines for reduced price lunches under section 9, as in effect on the day before the date of enactment of the Expand School Meals Act of 2009.”;

(C) in subsection (f)(3)—

(i) by striking “or reduced price” each place it appears; and

(ii) in subparagraph (A)(iii)(II)(aa), in the item heading, by striking “OR REDUCED PRICE”; and

(D) in subsection (r)(1)(B), by striking “or reduced price”.

(6) Section 17A(c)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766a(c)(1)) is amended in the matter preceding subparagraph (A) by striking “or reduced price”.

(7) Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended by striking subsection (i).

(8) Section 19 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769a) is amended—

1 (A) by striking “or reduced price” each
 2 place it appears; and

3 (B) by striking “and reduced price” each
 4 place it appears.

5 (9) Section 20(b) of the Richard B. Russell Na-
 6 tional School Lunch Act (42 U.S.C. 1769b(b)) is
 7 amended by striking “and reduced price”.

8 (10) Section 21(a)(1)(B) of the Richard B.
 9 Russell National School Lunch Act (42 U.S.C.
 10 1769b–1(a)(1)(B)) is amended—

11 (A) in the matter preceding clause (i), by
 12 striking “or reduced price”; and

13 (B) in clause (iii), by striking “and re-
 14 duced price”.

15 (c) TRANSITION RULES.—The Secretary of Agri-
 16 culture shall carry out the amendments made by para-
 17 graphs (2) and (8) of subsection (b) in accordance with
 18 transition rules established by the Secretary.

19 **SEC. 202. FREE BREAKFAST ELIGIBILITY.**

20 (a) IN GENERAL.—Section 4 of the Child Nutrition
 21 Act of 1966 (42 U.S.C. 1733) is amended—

22 (1) in subsection (b)—

23 (A) in paragraph (1)—

24 (i) in subparagraph (A)(i)(II)—

1 (I) by striking “, for reduced
2 price breakfasts,”; and

3 (II) by striking “or reduced
4 price”;

5 (ii) in subparagraph (B)—

6 (I) in the third sentence, by
7 striking “or reduced price”; and

8 (II) by striking the second sen-
9 tence;

10 (iii) by striking subparagraph (C);

11 (iv) by redesignating subparagraphs
12 (D) and (E) as subparagraphs (C) and
13 (D), respectively; and

14 (v) in subparagraph (D) (as so redес-
15 ignated)—

16 (I) in the subparagraph heading,
17 by striking “AND REDUCED PRICE”
18 and inserting “MEALS”;

19 (II) by striking “and reduced
20 price policy” each place it appears
21 and inserting “meals policy”; and

22 (III) by striking “and reduced
23 price meals” and inserting “meals”;
24 and

25 (B) in paragraph (2)—

1 (i) in subparagraph (A), by striking
 2 “or reduced price”; and
 3 (ii) by striking subparagraph (C); and
 4 (2) in subsections (d)(1)(A) and (e)(1)(A), by
 5 striking “or at a reduced price” each place it ap-
 6 pears.

7 (b) CONFORMING AMENDMENTS.—

8 (1) Section 7 of the Child Nutrition Act of
 9 1966 (42 U.S.C. 1776) is amended—

10 (A) in subsection (e)(2)(B)(ii), by striking
 11 “or reduced price”; and

12 (B) in subsection (i), by striking “and re-
 13 duced price” each place it appears in para-
 14 graphs (2)(B)(iii) and (3)(B)(i).

15 (2) Section 17(d)(2)(A)(i) of the Child Nutri-
 16 tion Act of 1966 (42 U.S.C. 1786(d)(2)(A)(i)) is
 17 amended by striking “and reduced price”.

18 (3) Section 20(b) of the Child Nutrition Act of
 19 1966 (42 U.S.C. 1789(b)) is amended by striking
 20 “and reduced-price”.

21 **SEC. 203. PERIOD OF EFFECTIVENESS.**

22 The amendments made by this title shall be effective
 23 beginning on July 1, 2013.

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